



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,911	10/12/2001	Harold Ferdinand Van Garderen	0142-0362P	8931

2292 7590 06/08/2006

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
----------	--------------

2195

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/974,911	Applicant(s) VAN GARDEREN ET AL.	
	Examiner Kenneth Tang	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 1/30/06. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 1-4 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popat et al. (hereinafter Popat) (US 6,678,415 B1) in view of Hoshino (US 6,868,189 B1).**

4. As to claim 1, Popat teaches a distributed document handling system for carrying out jobs, where jobs are carried out by services distributed over a network and where a job leads to a product (*see Abstract*), the system comprising:

a pool of services, the services being distributed over a number of interconnected processing devices (*col. 15, lines 53-67 through col. 16, lines 1-20, Abstract, etc.*);

determining means for determining a path (best path search operation) of services, wherein the path is suitable to carry out the job in accordance with the product specifications (the parameters in the dynamic programming operation), and wherein the determining means is

Art Unit: 2195

operable to take into account circumstantial constraints (constraint and upper bound score) for that job (*col. 6, lines 44-67, col. 5, lines 61-67*).

5. Popat is silent on having a specifying means for entering by a user a job specification comprising product specifications specifying the product to be delivered by the job and specifications specifying circumstantial constraints without effect on the product, in considering selection from the pool of services. Popat is also silent in having a user interface for control of the system. However, Hoshino teaches a user interface that controls a job specification by filtering (*Fig. 6-8, see Abstract, col. 2, lines 33-67, etc.*). The parameters (circumstantial constraints) are used for the filtering (*col. 2, lines 32-34, etc.*). Having a circumstantial constraint that has no effect on the product (cost, price, etc.) is merely a design choice within the user interface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the document image system of Popat with the document image system of Hoshino because the interface would provide for an increase of control (*col. 1, lines 42-61, etc.*).

6. **Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popat et al. (hereinafter Popat) (US 6,678,415 B1) in view of Hoshino (US 6,868,189 B1), and further in view of Otsuka et al. (hereinafter Otsuka) (US 6,700,674 B1).**

7. As to claims 2-3, Popat teaches a user interface and optimizing paths based on constraints. However, Popat and Hoshino fail to explicitly teach that the paths are ranked.

However, Otsuka teaches document image communication processing, wherein the communication routes (paths) are based on prioritization (ranking) (*see Abstract*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of ranking the paths to the existing interconnected device communication path system of Popat and Hoshino because this would allow the most important (highest priority or most urgent) route to be executed first (*see Abstract*).

8. As to claim 4, Popat teaches wherein the circumstantial constraint is a total price of the job to be carried out (weights); and the system also comprises means for calculating the total price from price attributes of services included in a determined path (best path from probabilities and weights) (*col. 6, lines 44-67*).

Response to Arguments

9. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

Art Unit: 2195

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kt
6/1/06


MENG-AI AN
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 2195